

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TERRY RAY HAWES,
Plaintiff,

No. C 11-4361 WHA (PR)

ORDER OF DISMISSAL

vs.


STATE OF CALIFORNIA,
Defendant.

Plaintiff, a California prisoner proceeding pro se, has filed a civil rights complaint under 42 U.S.C. 1983. He seeks to be released from custody based upon his claim that defendant forced medication upon him during his trial. Such a form of relief may only be obtained in federal court by way of a petition for a writ of habeas corpus under 28 U.S.C. 2254, not a civil rights complaint under 42 U.S.C. 1983. *See Skinner v. Switzer*, 131 S. Ct. 1289, 1293 (2011) (habeas is the “exclusive remedy” for the prisoner who seeks “immediate or speedier release” from confinement); *see Docken v. Chase*, 393 F.3d 1024, 1026 (9th Cir. 2004) (challenges implicating the fact or duration of confinement must be brought in a habeas petition). Consequently, the instant action is **DISMISSED** without prejudice to filing a petition for a writ of habeas corpus.

The clerk shall enter judgment and close the file.

IT IS SO ORDERED.

Dated: September 28, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE